

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                             |   |                        |
|-----------------------------|---|------------------------|
| IN RE: DARRELL F. HAMM and  | : | CHAPTER 13             |
| HOLLY A. HAMM               | : |                        |
| Debtor(s)                   | : |                        |
|                             | : |                        |
| CHARLES J. DEHART, III      | : |                        |
| STANDING CHAPTER 13 TRUSTEE | : |                        |
| Movant                      | : |                        |
|                             | : |                        |
| vs.                         | : |                        |
|                             | : |                        |
| DARRELL F. HAMM and         | : |                        |
| HOLLY A. HAMM               | : |                        |
| Respondent(s)               | : | CASE NO. 1-18-bk-02340 |

TRUSTEE'S OBJECTION TO THIRD AMENDED CHAPTER 13 PLAN

AND NOW, this 25th day of September, 2018, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtors' plan violates 11 U.S.C. Sec. 1322(a)(2) in that the debtors have not provided for full payment, in deferred cash payments, of all claims entitled to priority under 11 U.S.C. Sec. 507. (York County Tax Bureau – Claim #15)

2. Debtor(s)' plan violates 11 U.S.C. Sec. 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, debtors' have excess non-exempt equity in the following:

a. Residential real estate.

3. The Trustee avers that debtor(s)' plan is not feasible based upon the following:

a. The plan is inconsistent with Proofs of Claims filed and/or approved by the Court. (Chase – Claim #16)

b. Secured claims not in plan. (Global Funding – Claim #4)

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

a. Deny confirmation of debtor(s) plan.

- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
(717) 566-6097

BY: /s/James K. Jones  
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 25th day of September, 2018, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

John Hyams, Esquire  
2023 N. 2<sup>nd</sup> Street, Suite 203  
Harrisburg, PA 17102

/s/Deborah A. Behney  
Office of Charles J. DeHart, III  
Standing Chapter 13 Trustee22